

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF ILLINOIS

REBECCA KUJAWA, SPECIAL	)	
ADMINISTRATOR OF THE ESTATE OF	)	
JOHN KUJAWA, DECEASED,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 3:2015-CV-00225
	)	15-225-NJR/PMF
HOSPITAL SISTERS HEALTH SYSTEM	)	
(HSHS), d/b/a SAINT ANTHONY'S	)	
MEMORIAL HOSPITAL OF EFFINGHAM, IL,	)	
AND DR. JEFFREY JENSON,	)	
	)	
Defendants.	)	

MOTION TO DISMISS

Defendant, HSHS St. Anthony's Memorial Hospital of Effingham, Illinois (improperly named in the Complaint as Hospital Sisters Health System (HSHS), d/b/a Saint Anthony's Memorial Hospital of Effingham, IL) by its attorneys, Graham & Graham, Ltd. moves to dismiss Plaintiff's Complaint herein pursuant to Federal Rule of Civil of Procedure 12(b) and 28 USC 1332(c)(2) for lack of jurisdiction.

1. 28 USC 1332(c)(2) states that the citizenship of a Court appointed Administrator is the same state as the decedent for purposes of diversity jurisdiction.

2. The Decedent's probate estate as indicated in the Complaint, is pending in Jefferson County, Illinois as Case No. 2012-P-110. There is no allegation in the Complaint of citizenship/residency for the Decedent.

3. On information and belief, the County of residence and citizenship of Plaintiff's decedent was Jefferson County, Illinois.

4. The County of residence of both Defendants is Effingham County, Illinois.

5. All parties are residents and citizens of the State of Illinois and therefore there is no diversity jurisdiction and this case should be dismissed for lack of subject matter jurisdiction.

WHEREFORE, Defendant, HSHS ST. Anthony's Memorial Hospital prays that the Complaint herein be dismissed and for such other relief as this Court deems appropriate.

HSHS ST. ANTHONY'S MEMORIAL HOSPITAL OF THE HOSPITAL SISTERS OF THE THIRD ORDER OF ST. FRANCIS, an Illinois not for profit Corporation, (Hospital Sisters Health System (HSHS), d/b/a St. Anthony's Memorial Hospital of Effingham, IL) Defendant, by its attorneys, Graham & Graham, Ltd.

GRAHAM & GRAHAM, LTD.

/s/ Richard J. Wilderson  
Richard J. Wilderson  
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Attorneys for HSHS St. Anthony's Memorial Hospital, an Illinois not-for-profit Corporation

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PROOF OF SERVICE

The undersigned hereby certifies that he caused a copy of Motion to Dismiss to be served on the following:

John J. Hopkins  
John J. Hopkins & Associates  
500 E. 6<sup>th</sup> Street  
P.O. Box 595  
Alton, Illinois 62002

Thomas Borton  
Livingston, Barger, Brandt & Schroeder  
2918 Crossing Court, Suite E  
Champaign, Illinois 61822

by enclosing a copy of said document in an envelope, properly addressed to the above attorneys and depositing said envelopes in the United States Mail, postage fully prepaid at Springfield, Illinois, this 10<sup>th</sup> day of March, 2015.

/s/ Richard J. Wilderson  
Richard J. Wilderson